

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

NEW PRIME, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:21-03041-CV-RK
	)	
FEDERAL INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**DECLARATORY JUDGMENT**

Upon the verdict of the jury resolving all pending claims, the Court enters its **FINAL JUDGMENT**. It is hereby **ORDERED, ADJUDGED, AND DECREED**:

The Court **DECLARES** that Policy No. 7946-54-89 (“Policy”) issued to plaintiff New Prime, Inc. (“Prime”) by defendant Federal Insurance Company (“Federal”) provides coverage (up to an aggregate amount of \$3 million) for Prime and nominal plaintiff Roberto Alonzo (as agreed by the parties) for the claims asserted against Prime and Alonzo in an action styled *Christine John and Christopher Lewis v. New Prime, Inc. and Roberto Alonzo*, Cause No. 2014-44841 out of the 129th District Court of Harris County, Texas (the “Underlying Action”); and **DECLARES** that Prime and Alonzo complied with all conditions of the Policy; and **DECLARES** that Federal is obligated to indemnify Prime and Alonzo for their liability in the Underlying Action by paying that part of the liability established after final judgment is entered after exhaustion of all appeals in, or settlement of, the Underlying Action that remains unsatisfied after exhaustion of the \$5 million in coverage immediately below the Federal Policy (Prime’s self-insured retention for \$3 million and a Policy of Insurance with RLI Insurance with limits of \$2 million excess of the SIR), up to the \$3 million limits of the Federal Policy. Prime and Federal agree that the Texas Supreme Court may reverse the judgment in the Underlying Action in a way that could cap the amount of damages Prime would be liable for, even below the amount necessary to trigger Federal’s layer. Nothing in this judgment shall be construed to allow Federal to relitigate any coverage defenses under the Policy.

It is further **ORDERED, ADJUDGED, AND DECREED**: Costs will be taxed against Federal under Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. § 1920.

It is further **ORDERED, ADJUDGED, AND DECREED:** The Court reserves jurisdiction to enforce this judgment and to direct further relief, if necessary, in part based upon its authority under the Declaratory Judgment Act, including 28 U.S.C. § 2202.

**IT IS SO ORDERED.**

s/ Roseann A. Ketchmark

ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: October 17, 2023